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OFFICE OF PETITIONS

In re Application of :
Paul, et al. :
Application No.: 09/872,066 : ON PETITION
Filing Date: May 31, 2001 :
Attorney Docket No. 50277-1557 :

This is a decision on the petition under 37 CFR 1.47 filed December 11, 2006. The petition will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.67.

The petition is **granted**.

Petitioner requests that the supplemental declaration filed December 11, 2006, be accepted without the signature of the one of the joint inventor as he cannot be located. It is noted, that in this case, 37 CFR 1.67 requires that the supplemental declaration be signed by all named inventors, yet petitioner has demonstrated that the inventors cannot be located. In such a case, Section 603 of the *Manual of Patent Examining Procedure* (MPEP) provides that:

When an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, the requirement for that inventor to sign the supplemental declaration may be suspended or waived in accordance with 37 CFR 1.183. All available joint inventor(s) must sign the supplemental declaration on behalf of themselves, if appropriate, and on behalf of the nonsigning inventor. See MPEP § 409.03(a). If there are no joint inventor(s), then the party with sufficient proprietary interest must sign the supplemental declaration on behalf of the nonsigning inventor. See MPEP § 409.03(b).

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.67 so as to accept a supplemental declaration without the signature of all of the joint inventors.

The fee for a petition under 37 CFR 1.183 is \$400.00. Deposit account 50-1302 will be and additional \$200.00, accordingly.

The application file is being directed to the Office of Patent Publications for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions